



# Country Fiche on Terrestrial Spatial Planning

## Germany

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# 1. Current situation and main challenges

After an extensive consultation procedure, the Standing Conference of Ministers responsible for Spatial Development in Germany adopted in March 2016 the “Concepts and Strategies for Spatial Development in Germany”.

It sees in the four strategic concepts:

- a) „Enhancing competitiveness“
- b) „Ensuring the provision of public services“
- c) „Controlling and sustainably developing land uses“ and
- d) „Shaping climate change and the transformation of the energy system“

its common orientation which does justice to the principle of sustainability and spatial cohesion at the same time.

The Concepts and Strategies for Spatial Development in Germany (in the following: Concepts) show the spatial development strategies pursued by the Federal Government and the federal states.

The Concepts contribute to preserve and strengthen the variety of regions, their cohesion as well as their sustainability; they relate to all types of area, from the predominantly rural areas to metropolitan regions.

The Concepts form the framework for the spatial policy objectives, the specifications in spatial plans as well as for the concrete implementation measures. This includes the spatial planning instruments such as spatial plans and spatial impact assessment procedures but also the spatial planning cooperation with sectoral policies with a spatial impact (e.g. the planning of transport or energy networks, the development of rural areas) and with the local stakeholders such as municipalities, associations, enterprises and individuals (e.g. regional management concepts to ensure the provision of public services).

Therefore, the Concepts are chiefly aimed at decision-makers in the field of spatial planning at the federal and federal state levels including regional planning authorities, local authorities and local authority associations; they are, thus, the guideline for common action. At the same time, they are intended for the decision-makers of sectoral policies with a spatial impact such as transport, environment, energy and the economy who are responsible for the implementation of spatial planning objectives by including them in their sectoral planning and measures. In addition, they offer the private sector guidance to help businesses make decisions on investment in the future. They support the dialogue on spatial development in Germany with the stakeholders from society, the neighbouring states and regions as well as with the European institutions.

Main areas for action are:

## 1) Enhance competitiveness

- 1.1 Evolve metropolitan regions
- 1.2 Strengthen cooperation and the interlinking of areas
- 1.3 Support areas with a special structural need for action
- 1.4 Ensure infrastructural links and mobility

- 2) Ensure the provision of public services
  - 2.1 Consistently apply the central places system
  - 2.2 Develop cooperative systems
  - 2.3 Ensure the supply of sparsely populated rural areas
  - 2.4 Ensure accessibility
- 3) Control and sustainably develop land uses
  - 3.1 Minimize spatial conflicts of use
  - 3.2 Create large-scale open space networks
  - 3.3 Shaping cultural landscapes
  - 3.4 Reduce new land take
  - 3.5 Sustainably control the use of mineral resources and other subterranean uses
  - 3.6 Sustainably use coasts and seas
- 4) Shape climate change and the transformation of the energy system
  - 4.1 Adapt spatial structures to climate change
    - Flood control
    - Coastal protection
    - Protection in mountainous regions
    - Protection against the effects of heat
    - Handling water shortages
    - Maintain and improve the natural carbon sequestration potentials
    - Climate-induced changes in tourist regions
    - Climate-induced changes in the habitat for fauna and flora
    - Energy-saving and traffic-reducing settlement patterns
  - 4.2 Control the development of renewable energy and of networks
    - development of renewable energy
    - power transmission and distribution networks
    - decentralized supply systems
    - regional climate and energy strategies

*For the complete English text and maps, please see "[Leitbildbroschüre 2016 \(Englisch\)](#)" (Concepts and Strategies for Spatial Development in Germany).*

More recently the policy agenda in Germany focused on equivalent living conditions in all places. This relates to the importance of the decentralised urban system and functional areas, demographic change, infrastructure and mobility and places special emphasis on digitalisation, labour market developments and medium-sized and regional centres.

Another feature of the federal spatial planning concerns cross-border developments. The most prominent example of this is the common future vision for the German-Polish interaction area, which has been elaborated by the Spatial Development Committee of the German-Polish Governmental Commission for Regional and Cross-Border Cooperation. It is a spatial planning vision for the area on both sides of the rivers Oder and Lusatian Neisse and demonstrates its potential and development opportunities. (download in EN, FR, DE and PL here: <https://www.kooperation-ohne-grenzen.de/de/zukunftskonzept/einfuehrung/>). In a recent

initiative (MORO) four model projects of spatial planning are currently developing cross-border structures and processes of integrated planning in four model projects. These are intended to offer solutions to spatially relevant challenges that arise in one or more of the five fields of action of the GZK 2030.

<https://www.bbsr.bund.de/BBSR/DE/forschung/programme/moro/forschungsfelder/2020/integrierte-planung-deutsch-polnisch/01-start.html>

On the German-French border, planning and development agencies from both countries test in a simulation game (also within MORO) how the spatial development of border regions can achieve greater binding force. For reasons of competence, spatial development plans of cross-border planning authorities end at the interfaces with neighbouring countries. They are not legally binding and, as a consequence, often lack the significance and effectiveness for real political processes in the sub-areas. The simulation game is intended to develop recommendations for the practice of cross-border spatial planning and to provide information for the everyday administrative planning of Germany and France. In addition, it is intended to provide recommendations as to whether and to what extent a harmonisation and approximation of binding standards in the planning practice of the two countries is possible and necessary. MORO thus also contributes to the implementation of the Aachen Treaty between France and Germany.

<https://www.bbsr.bund.de/BBSR/DE/forschung/programme/moro/studien/2020/deutsch-franzoesische-planspiele/01-start.html>

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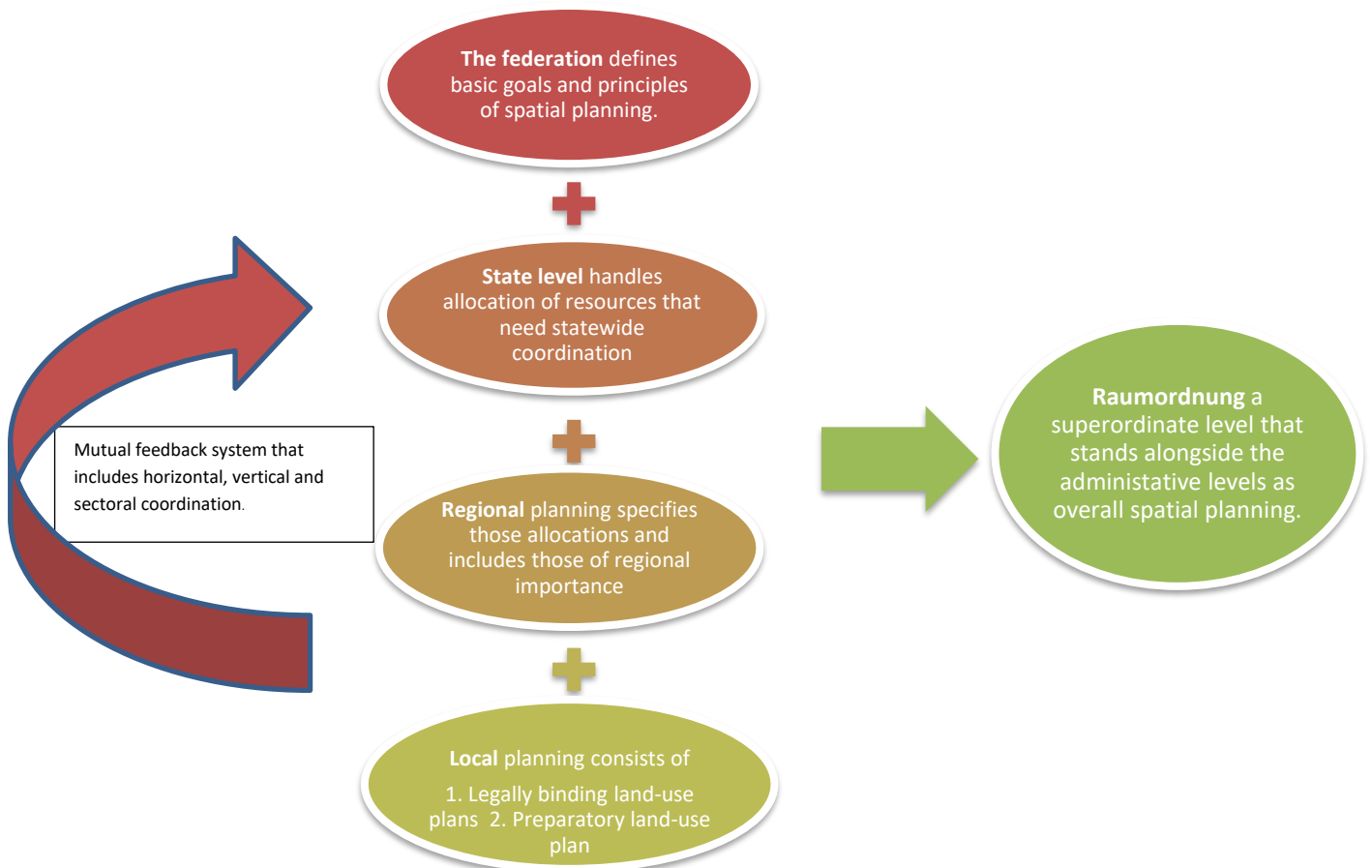
# General information and spatial planning system

## *Spatial planning in a federal state*

As a Federation, Germany is characterized by a union of partially self-governing states and regions which are united under the central federal government (*Bund*). Therefore, Germany's administration system is organized into a three-level administration system, the three levels being the municipal, the state and the federal level. Their respective tasks and cooperation are laid down in the German constitution, referred to as the Basic Law (*Grundgesetz*). This multitier system is inherently more complex than unitary systems.

Spatial planning (*Raumordnung*) in Germany follows the above-mentioned multitier system that encompasses all public overall planning measures with shared responsibilities assigned at federal, state, regional and municipal level. The division of competence and functions between the three levels harvests a system with legally, organizationally, and substantively differentiated planning levels hence, turning spatial planning in Germany into a decentralized way of implementation. (Cassens 2002) The underlying principle is the one of multi-stakeholderism where all the relevant stakeholders take part in the decision-making process and follow bottom-up and top-down ways of creating legislation corresponding to the needs of the population and the country. This multitier system incorporates vertical, horizontal and sectoral coordination. This coordination is known as the mutual feedback system following the principle of countervailing actions and thus allowing the incorporation of the interests of all by participation, coordination and compliance. Here, the competencies of the spatial planning authorities differ according to their position within the German administrative system.

## *Infographic: Spatial planning in Germany - a multistakeholder system*



The key task of spatial planning in Germany is a sustainable spatial development that reconciles the social and economic demands on space with its ecological functions by coordinating activities with regard to space and their interaction with each other and mitigating or resolving conflicts. Spatial plans contain planning objectives (Ziele) and principles (Grundsätze) in the form of text and maps. Objectives of spatial planning are binding requirements for the development, organisation and safeguarding of space. They have been conclusively weighed up by the spatial planning authority and can translate into priority areas where uses and functions incompatible with the priority function or use are excluded. Principles of spatial planning are guidelines for the development, organisation and safeguarding of space. They are not conclusively weighed up, but must be considered in decisions and can translate into reservation areas where uses or functions are given particular weight when weighing them up against competing functions or uses

### **Federal Level**

At the federal level - also referred to as national level - the Federation (*Bund*) defines basic goals and principles of spatial planning in Germany with a focus on sectoral planning and public investment from the point of view of regional and national structural policy. However, it is only allowed to legislate in areas that are assigned to it by the Basic Law namely, i.e., spatial planning, land reallocation, property owner and tenant law, housing benefit law and parts of tax law. Here, the Federation primarily promotes an economically, ecologically and socially sustainable distribution of functions within the German territory, according to respective legislation. (Scharmann 2020) This legislation lays down the conditions, tasks and guidelines for spatial planning by the Federal Spatial Planning Act (*Raumordnungsgesetz – ROG*) and The Federal Building Code (*Baugesetzbuch*), in which planning law is codified by establishing the guidelines and instruments of planning in the area of, amongst others, land reallocation. The Federal Spatial Planning Act was recently amended. The overarching goal was to speed up planning procedures, including through digitization, the bundling of environmental impact assessment and participation rights, and the acceleration of award procedures. The amendments were part of a larger package to accelerate planning and approval procedures for expanded targets in the areas of renewable wind energy (2% of total space in Germany reserved for onshore renewable energy), transport infrastructure and digital infrastructure. Recently, the regulations for the implementation of the EU Emergency Regulation (Regulation EU 2022/2577) were also finally adopted and transposed into national law. This will further accelerate the procedures for the expansion of renewable energies and the electricity grids. Specifically, the regulations stipulate that in designated areas that have already undergone a Strategic Environmental Assessment (SEA), the obligation to conduct an Environmental Impact Assessment (EIA) and a species protection assessment for renewable energy plants and grids will no longer apply in the approval procedure.

### **The Federal Ministry for Housing, Urban Development and Building (BMWSB)**

is the ministry in charge of spatial planning in Germany and is responsible for spatial planning tasks at federal level as well as for coordinating between the Federal Government and the states.

Hence, the main legal basis for spatial planning at federal, state and regional level in Germany consist of the Federal Spatial Planning Act and at each state's Spatial Planning Acts respectively.

The Federal Spatial Planning Act primarily lays down responsibilities, rules of procedure and the basic substance of spatial structure plans and makes stipulations on the instruments of spatial planning, each state's spatial planning acts governing the substance, organization and procedures of the spatial planning for the entire territory of the state (in German language: Land)

concerned and for regional planning at subordinated levels, such as counties (in German language: Kreise). Due to the leeway granted to states under the Federal Spatial Planning Act, state and regional planning varies both substantively and organizationally from state to state. (Zaspel-Heisters, Haury 2015)

As an exception to the rule, in 2004 the Spatial Planning Act was made applicable to the Exclusive Economic Zone (EEZ). The Spatial Planning Act provides the legal basis for the “Maritime Spatial Plan for the EEZ of the Baltic Sea” and the “Maritime Spatial Plan for the EEZ of the North Sea”. (It should be noted here that these plans are limited to the EEZ: the territorial sea is an integrated part of the (terrestrial) spatial plans of the coastal federal states.)

All in all, the Federation (Bund) has no overarching power. However, as there are joint programmes and interests, the Federation concluded that it is essential to have an overarching scheme that reaches at and includes all parties. Hence, *Raumordnung* guides the overall spatial planning system in Germany with the aim of a coherent and viable nationwide strategy coordinating the diverse types of sectorial planning through information. *Raumordnung* can be seen as a structure that stands alongside local urban land-use planning and sectoral planning as “planning for planning” (Runkel 2006) and lays down stipulations for subordinated and spatially relevant public planning activities (including local urban land-use planning). Its function in the planning system is cross-cutting as “overall spatial planning” (Schink 1994). Moreover, the standing conference of Minister for Spatial Planning (Ministerkonferenz für *Raumordnung*, MKRO) is an additional tool that brings together the federal and state ministers responsible for spatial planning in order to develop a joint development strategy for German cities and regions in Germany. Its goal is to produce informal guiding principles and an overarching conceptual framework for spatial policy objectives. In 2016, it agreed on “Concepts and Strategies for Spatial Development in Germany” (BMI 2016)

### **State and Regional Planning**

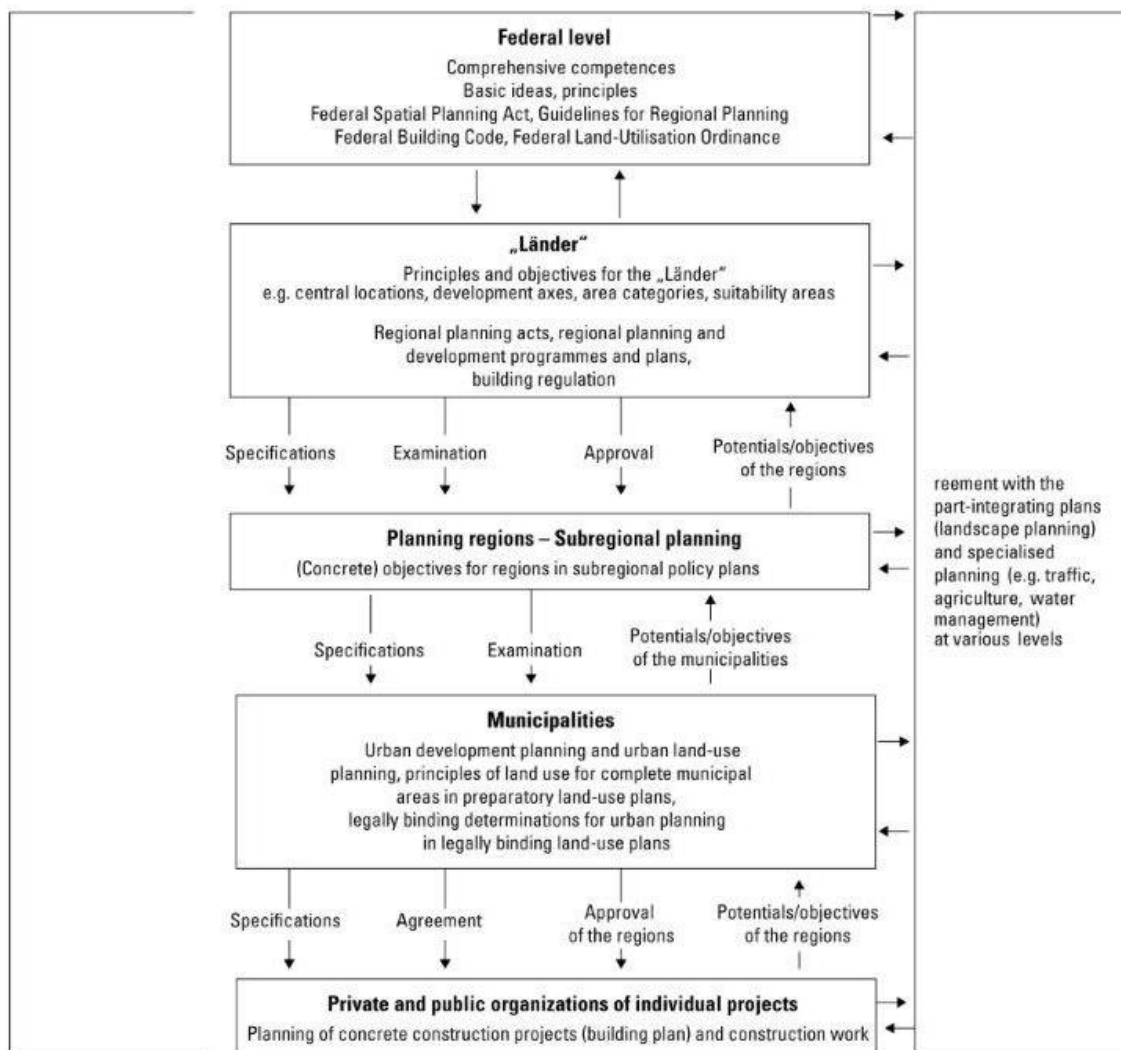
At state level, responsibility for state-wide spatial structure planning lies with the supreme state spatial planning authorities. These are part of a state ministry and can come under a variety of ministerial portfolios (state chancellery, transport ministry, finance ministry, regional development etc.). (Zaspel-Heisters and Haury 2015). Their main task is to compile state spatial structure plans and to supervise their implementation. However so, they are also responsible for contributing to the compilation of regional plans, issuing decisions in procedures for the derogation from spatial planning goals and solving possible conflicts between plans and works conflicting and spatial planning goals, carrying out spatial planning procedures, submitting state spatial planning reports and carrying out spatial monitoring. (Durner, Greiving and Reitzing 2011)

Alongside the aforementioned spatial planning authorities, there are also regional planning authorities. Here, due to unspecified general notions of the Federal Spatial Planning Act, regional planning is organized differently from state to state. Regional planning may take place at state level or at the level of local authorities or groups of them with the main task of concretizing the principles and objectives of the state-wide spatial development plans for sub-regions of the respective state territory. Generally spoken, while spatial planning at state level focuses on the allocation of resources requiring statewide coordination, on the other hand regional planning specifies those allocations and includes the ones of regional importance correspondingly which, however, are of supra-local significance.

## Local Planning

At the local level, spatial planning takes mainly place in the form of urban land-use planning where the two planning instruments are the binding land-use plan and the preparatory land-use plan. The first one is oriented towards the arrangements for urban development and legally binding designations for specific parts of the municipal territory. The second represents in a general layout the type of land uses envisaged for the entire municipal territory in accordance with the intended urban development. (Pahl-Weber and Henckel 2008)

## Infographic: Spatial planning in Germany



Source: BT-Drucksache 13/3679 of 06.02.1996, p. 13 based on Praxis Geographie 9/1993



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